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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,083	02/19/2004	Edward G. Tiedemann JR.	030587	6255
23696	7590	06/28/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			TON, DANG T	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/783,083

Applicant(s)

TIEDEMANN ET AL.

Examiner

DANG T. TON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24, 28-48, 52-55, 57-59 and 61-64 is/are rejected.
- 7) ☒ Claim(s) 25-27, 49-51, 56, 60 and 65 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/12/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. The disclosure is objected to because of the following informalities:

Applicant should provide the serial number of the copending applications in page 3 of the specification.

Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,5-7,11-12,16,20-24,28,32,36-38,42,46-48,52-55,57-59, and 61-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuwahara (6,363,255).

For Claims 1,5-7,11-12,16,20-24,28,32,36-38,46-49,52-55,57-59, and 61-64, Kuwahara disclose a mobile communications system /method comprising:

a memory for storing a list comprising zero or more identifiers( see column 4 lines 23-27), the list associated with a first station (see mobile station in figure 1), each identifier identifying one of a plurality of second stations

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(see base stations in figure 1) for sending a message to the first station;

wherein the apparatus is included in the first station (see mobile station in figure 1);

wherein the apparatus is included in a station controller (see mobile switching center box 1 in figure 1);

wherein the memory stores a plurality of lists ( see column 4 lines 23-27) and (see box 1e in figure 1) ,

the plurality of lists associated with the first station, each list comprising zero or more identifiers, each identifier identifying one of a plurality of second stations for sending a message to the first station ( see column 4 lines 23-27);

a memory for storing a list comprising zero or more identifiers, each identifier identifying one of a plurality of remote stations authorized for sending a first message; and a receiver for receiving a plurality of signals from the plurality of remote stations identified in the list ( see column 4 lines 23-27);

wherein the plurality of received signals comprise one or more first messages (see box 1a in figure 1);

further comprising a transmitter for transmitting in response to a received signal ( see antenna for transmitting and receiving message in figure 1);

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zero or more identifiers, the list associated with a first station, each identifier identifying one of a plurality of second stations for sending a first message to the first station( see column 4 lines 23-27);

wherein the list is generated in accordance with one or more predetermined criteria( see column 4 lines 23-27);

further comprising a receiver for receiving a measurement of a second station, wherein the processor includes an identifier associated with the second station in the list in accordance with the received measurement and in accordance with one or more predetermined criteria( see column 4 lines 14-19);

further comprising a transmitter for transmitting a second message to the first station, wherein the processor further generates the second message comprising zero or more of the identifiers from the list ( see column 4 lines 10-13);

wherein the second message identifies a list of identifiers for storing in the first station(see box 1e in figure 1);

a memory for storing a plurality of lists, each list associated with one of a plurality of first stations, each list comprising zero or more identifiers, each identifier identifying

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one of a plurality of second stations for sending a message to the respective first station(see box 1e in figure 1);

wherein the memory stores a plurality of sets of lists, each set of lists associated with one of the plurality of first stations, each set comprising one or more lists, each list comprising zero or more identifiers, each identifier identifying one of a plurality of second stations for sending a message to the respective first station( see column 4 lines 23-27);

a memory for storing a plurality of lists, each list associated with one of a plurality of first stations, each list comprising zero or more identifiers, each identifier identifying one of a plurality of second stations for sending a message to the respective first station( see column 4 lines 23-27);

storing a list comprising zero or more identifiers, the list associated with a first station, each identifier identifying one of a plurality of second stations for sending a message to the first station( see column 4 lines 23-27);

further comprising sending one or more messages to the first station from one or more second stations identified in the list( see column 4 lines 10-13);

further comprising monitoring channels from the second stations identified in the list ( see column 9 lines 46-49);

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generating a list comprising zero or more identifiers, the list associated with a first station, each identifier identifying one of a plurality of second stations for sending a first message to the first station( see column 4 lines 23-27);

further comprising transmitting a second message to the first station, the second message comprising zero or more of the identifiers from the list( see column 4 lines 10-13);

further comprising storing the list of identifiers from the second message in the first station (see box 1e in figure 1);

means for storing a list comprising zero or more identifiers, the list associated with a first station, each identifier identifying one of a plurality of second stations for sending a message to the first station( see column 4 lines 23-27);

further comprising means for sending one or more messages to the first station from one or more second stations identified in the list( see antenna for transmitting and receiving message in figure 1);

means for generating a list comprising zero or more identifiers, the list associated with a first station, each identifier identifying one of a plurality of second stations for sending a first message to the first station( see column 4 lines 23-27);

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further comprising means for transmitting a second message to the first station, the second message comprising zero or more of the identifiers from the list( see column 4 lines 10-13) ;  
means for storing a list comprising zero or more identifiers, the list associated with a first station, each identifier identifying one of a plurality of second stations for sending a message to the first station( see column 4 lines 23-27);

further comprising means for sending one or more messages to the first station from one or more second stations identified in the list( see antenna for transmitting and receiving message in figure 1);

further comprising means for transmitting a second message to the first station, the second message comprising zero or more of the identifiers from the list;

storing a list comprising zero or more identifiers, the list associated with a first station, each identifier identifying one of a plurality of second stations for sending a message to the first station( see column 4 lines 23-27);

further operable to perform sending one or more messages to the first station from one or more second stations identified in the list;



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generating a list comprising zero or more identifiers, the list associated with a first station, each identifier identifying one of a plurality of second stations for sending a first message to the first station( see column 4 lines 23-27); and

further operable to perform transmitting a second message to the first station, the second message comprising zero or more of the identifiers from the list( see column 4 lines 10-13).

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4,8-10,13-15,17-19,29-31,33-35,39-41, and 43-45 rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwahara in view of Yoo et al. (6,085,091).

For claims 2-4,8-10,13-15,17-19,29-31,33-35,39-41, and 43-45 Kuwahara disclose all the subject matter of the claimed invention with the exception of the message being an acknowledgement, a rate control command or a grand in a communications network. Yoo et al. from the same or similar fields of endeavor teaches a provision of the acknowledgement, rate control command or grand (see column 3 lines 64-65, column 4 lines 21-25 ). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the acknowledgement, rate control command or grand as taught by Yoo et al. in the communications network of Kuwahara.

The acknowledgement, rate control command or grand transmission rate, can be implemented/modified into the network of Kuwahara by using the mobile switching center box 2 in figure 2 to perform this scheduling scheme. The motivation for using the acknowledgement, rate control command or grand transmission rate as taught by Yoo et al. into the communications network of Kuwahara being that it provides much higher utilizations while maintaining and adapting to the rates for the system.

5. Claims 25-27,49-51,56,60, and 65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T. TON whose telephone number is 571-272-3171. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Ton



DANG TON  
PRIMARY EXAMINER